

Document Page 1 of 1  
 UNITED STATES BANKRUPTCY COURT

DISTRICT OF MASSACHUSETTS  
 Proceeding Memorandum/Order

In Re: Biopure Corporation

Case/AP Number 09-16725 -FJB  
 Chapter 11

#10 Motion of Debtor for Order (i) (A) Approving Bid Procedures; (B) Authorizing and Scheduling an Auction; (C) Approving Payment of an Expense Reimbursement; (D) Establishing Procedures Relating to the Assumption and Assignment of Executory Contracts and Unexpired Leases, Including Notice of Proposed Cure Amounts; and (E) Scheduling a Sale Hearing; and (ii) an Order or Orders Authorizing and Approving (A) the Sale of Substantially All of the Debtor's Assets Free and Clear of All Liens, Claims and Encumbrances; and (B) the Assumption and Assignment of Executory Contracts and Unexpired Leases in Connection Therewith (C. Panos)  
 #125 Notice of Cure Amount Objection (Spear Realty)

## COURT ACTION:

#10 Hearing held

\_\_\_\_\_ Granted \_\_\_\_\_ Approved \_\_\_\_\_ Moot

\_\_\_\_\_ Denied \_\_\_\_\_ Denied without prejudice \_\_\_\_\_ Withdrawn in open court

\_\_\_\_\_ Overruled \_\_\_\_\_ Sustained

\_\_\_\_\_ Continued to \_\_\_\_\_

\_\_\_\_\_ Proposed order to be submitted by \_\_\_\_\_

\_\_\_\_\_ Stipulation to be submitted by \_\_\_\_\_

\_\_\_\_\_ No appearance by \_\_\_\_\_

Show Cause Order \_\_\_\_\_ Released \_\_\_\_\_ Enforced \_\_\_\_\_

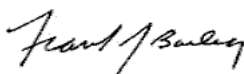
DECISION SET OUT MORE FULLY BY COURT AS FOLLOWS:

## ORDER:

1. With respect to the Purchased Assets, the Court entered a separate order approving the sale (the "Purchased Assets Order"). See separate order. Though the Purchased Assets Order does not fully resolve the sale motion in that the sale of the EHSA Asset remains unresolved, the Court hereby finds, in accordance with Fed. R. Civ. P. 54(b), that there is no just reason for delay as to the Purchased Assets, and the Court has directed entry of the Purchased Assets Order as a final order with respect to sale of the Purchased Assets.

2. With respect to sale of the EHSA Assets, the hearing is continued to September 3, 2009, at 3:00 p.m., which continued hearing shall be evidentiary. Any reply to the Hintlian Limited Objection [doc. #136] shall be filed by September 1, 2009, at 12:00 noon.

IT IS SO ORDERED:



Frank J. Bailey  
 United States Bankruptcy Judge

Dated: 8/20/2009